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EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

I

The following Bills were introduced in the Rajya Sabha on 9th August, 2012:—

BILL No. I OF 2012

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2012.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

2. In the Indian Penal Code, 1860, section 309 shall be omitted.

Omission of
section 309.

STATEMENT OF OBJECTS AND REASONS

Section 309 of IPC provides for imprisonment and/or fine for those who have attempted to commit suicide. This section has been considered to be in violation of article 21 of the Constitution and not in adherence with the modern day view of the State providing care to its citizens.

The Law Commission of India recommended its repeal as early as 1971 and, once again in, 2008. In the recent report, the Law Commission says: "It is unreasonable to inflict punishment upon a person who, on account of family discord, destitution, loss of a dear relation or other cause of a like nature, overcomes the interest of self-preservation and decides to take his own life. In such a case, the unfortunate person deserves sympathy, counselling and appropriate treatment, and certainly not prison." This proposal of the Law Commission has met with approval from twenty five State Governments, thereby underlining the overwhelming support for repealing this inhumane provision.

This inhumane provision is a form of double punishment and today remains as a crime only in a few countries such as Singapore, Pakistan, Bangladesh and Malaysia, besides India. The counterview that decriminalising the attempt to suicide will encourage people to take their own lives has no basis. As the International Association for Suicide Prevention has pointed out, there is nothing to show that suicide rates have increased following its decriminalisation. This view is also supported by the World Health Organization and the Indian Psychiatric Society.

In the past also, the Indian Penal Code (Amendment) Bill, 1972 was introduced and passed by the Rajya Sabha omitting section 309 but it lapsed in the Lok Sabha consequent upon the dissolution of Sixth Lok Sabha in July, 1979. The Law Commission and the Parliamentary Standing Committee on Home Affairs have consistently advocated the need to reform and rationalise the criminal law of the country. In view of providing necessary medical care and not harassment to those who are distressed enough to attempt to take their own lives, it is necessary to repeal section 309 in the Indian Penal Code.

Hence, this Bill.

KANIMOZHI

II

BILL NO. XIV OF 2012

A Bill to enshrine in law a Covenant prescribing a commitment between the people of India and the Armed Forces Community serving as well as retired and their immediate families pledging a duty of care and improving support towards them in return for their bravery and sacrifices made for protecting the nation and to ensure that they face no disadvantage compared to other citizens in the provision of public and commercial services and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Armed Forces Covenant Act, 2012.

(2) It extends to the whole of India.

(3) Save as otherwise provided in this Act, it shall apply to—

(a) Serving members of Indian Armed Forces and their immediate families; and

(b) Retired members of Indian Armed Forces and their immediate families, whenever this may be.

(4) It shall come into force with immediate effect.

Short title,
extent,
applicability
and com-
mencement.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) “Advisory Committee”, means the Advisory Committee to advise the Ministry of Defence on matters relating to pensions and compensation constituted under section 4;

(b) “appropriate Government”, means in the case of a State, the Government of that State, and in other cases, the Central Government;

(c) “Armed Forces Community” includes serving and retired personnel of the Air Force, Army and Navy, and their immediate families;

(d) “Commission” means the Armed Forces Grievances Redressal Commission established under section 5;

(e) “immediate family” means spouses, children and parents including bereaved ones.

(f) “Ministry” means the Ministry of Defence;

(g) “prescribed” means prescribed by rules made under this Act;

(h) Words and expressions used and not defined in this Act but defined in the Armed Forces (Emergency Duties) Act, 1947, the Air Force Act, 1950, the Army Act, 1950, the Army and Air Force (Disposal of Private Property) Act, 1950, the Navy Act, 1957 and the Armed Forces (Special Powers) Act, 1958, shall have the meanings respectively assigned to them in those Acts.

15 of 1947.
45 of 1950.
46 of 1950
40 of 1950.
62 of 1957.
28 of 1958.

Armed Forces
Covenant.

3. (1) Notwithstanding anything contained in any other law for the time being in force, there shall be an Armed Forces Covenant pledging a commitment to care for members of Armed Forces community in return for their commitment, bravery and sacrifices made for protecting the country at borders and fighting enemies within and extending services during natural and other disasters.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Covenant referred to therein may provide for the Armed Forces community and their families,—

(a) medical support and adequate and appropriate healthcare services at military hospitals, Armed Forces medical clinics and recognized private hospitals and nursing homes and Government hospitals, dispensaries and medical centers run by appropriate Government;

(b) appropriate training and education to service personnel for both personal and professional development, including the opportunity to gain nationally recognized civilian qualification, in order to support them through their service career and to prepare them for life after leaving the service.

(c) educational facilities including higher education, medical and technical education, vocational education facilities to their dependent children in schools, colleges, institutes run by Armed Forces, and in appropriate Government or private sector;

(d) good quality, affordable and suitably located accommodation improving their living conditions;

(e) access to tax benefits same as any other citizen, except where tailored alternative schemes are in place;

(f) adequate support and compensation for those injured in operations or training;

(g) comprehensive system of compensation and maintenance for disabled servicemen and bereaved families and widow's pension;

(h) monthly index linked guaranteed income payment for life upon discharge to more seriously injured;

(i) right to claim civil damages against the Ministry where the personnel believe that the injury, illness or death was a result of negligence on the part of the Ministry;

(j) sufficient time limit for claiming compensation under this Act and provision for extending the time limit in genuine cases like illness, etc.;

(k) mental health support for those who may have suffered psychological injury as a result of their service or in cases wherever required;

(l) free legal aid wherever required;

(m) reservation in civilian jobs and in particular related to security of the appropriate Government;

(n) attractive pay and perks than the civilians to draw in the best talents in the Armed Forces;

(o) one rank, one pension scheme;

(p) such other measure as may be deemed necessary for the welfare and rehabilitation.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Advisory Committee consisting of the Chief of Defence Services, the Chiefs of Air Force, Army and Navy, one representative each of the three wings of the Armed Forces, two representatives of the Ministry, not less than six representatives of ex-service organizations preferably recognized by the Ministry and one representative each from the Union Ministries of Finance and Law and Justice to be appointed by the Central Government in such manner as may be prescribed.

Establishment
of an Advisory
Committee.

(2) It shall be the duty of the Advisory Committee to advise the Ministry on matters relating to pay and perks, pensions and compensation for the members of the Armed Forces covered under this Act in such manner as may be prescribed.

5. (1) The Central Government shall, as soon as may be, but not later than six months from the commencement of this Act, by notification in the Official Gazette, establish a Commission to be called the Armed Force Grievances Redressal Commission for carrying out the functions assigned under the Act.

Establishment
of the Armed
Forces
Grievances
Redressal
Commission.

(2) The Commission shall consist of,—

(a) a Chairperson who shall be a retired Judge of the Supreme Court or of a High Court to be appointed by the Central Government in consultation with the Chief Justice of India;

(b) the Chief of Defence Services, the Chiefs of Air Force, Army and Navy and the Defence Secretary of the Union Government as members;

(c) the Secretary and one Additional Secretary of the Department of Legal Affairs of the Union Ministry of Law & Justice as members.

(3) The Ministry shall provide secretarial assistance to the Commission.

(4) The Commission shall follow such procedure in discharging its function as may be prescribed.

(5) The functions of the Commission shall include:—

(a) to look into all grievances submitted to it in writing or through email by serving or retired personnel of the Armed Forces community and take appropriate decisions thereon;

(b) forming schemes for proper rehabilitation of Armed Forces personnel who are discharged at young ages;

(c) recommending changes in rules or regulations if the Commission is of the opinion that the rules or regulations, as the case may be, are defective or inadequate.

(d) such other issues as may be referred to it by the Ministry or *suo motu* taken by the Commission that are necessary and expedient for carrying out the purposes of this Act.

Armed Forces
Covenant
Report.

6. (1) The Minister of Defence shall in each calendar year,—

(a) prepare an Armed Forces Covenant Report; and

(b) lay a copy of the report before each House of Parliament.

(2) An Armed Forces Covenant Report shall be a report about the effects that the demands of service may have on the Armed Forces Community, and particular descriptions of such people—

(a) in the fields of healthcare, education and housing; and

(b) in such other fields as the Minister may determine.

(3) In preparing an Armed Forces Covenant Report, the Minister shall have regard in particular to—

(a) the unique obligations of, and sacrifices made by the Armed Forces;

(b) the principle that it is desirable to remove disadvantages arising for the Armed Forces personnel from being or having been in service; and

(c) the principle that special provision for Armed Forces Community may be justified by the effects on such people of the demands of service of the Armed Forces.

(4) An Armed Forces Covenant Report shall also state whether, in the Minister of Defence's opinion, any effects covered in the report are such that Armed Forces Community or particular descriptions of such persons are at a disadvantage with regard to the field (s) in question, when compared with other persons or such descriptions of other persons that the Minister of Defence may consider appropriate.

(5) Where the Minister of Defence's opinion is that the Armed Forces Community or particular descriptions of such persons are at a disadvantage as mentioned in sub-section (4), the Report shall set out the Minister of Defence's response to that.

(6) With regard to effect covered by an Armed Forces Covenant Report—

(a) the Minister of Defence shall consider whether the making of special provision for the Armed Forces Community or particular descriptions of such persons would be justified; and

(b) Where the Minister of Defence considers that such provision would be justified, the report contain a reference to that fact.

Central
Government
to provide
funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Act to have
overriding
effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the Armed Forces Community.

Powers to
make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The nation's commitment to respect and support its Armed Forces is an unwritten pact between society and the military, and this pact has been reinforced by customs and conventions since time immemorial. Centuries ago, Kautilya, the great political strategist, wrote to Chandragupta Maurya on the importance of having a pact between society and military: *"The day the soldier has to demand his dues will be a sad day for Magadha. For then on that day, you will have lost all moral sanction to be king"*.

Our nation is aware of the bravery and sacrifices made by our Armed Forces personnel who are protecting the country at the borders as well as fighting enemies within and helping the nation during natural calamities. The Armed Forces constitutes a truly unique and dedicated group of people, whose sense of selfless service and nationalism is a matter of great pride and dignity for the nation. Families also play a vital role in offering moral support to the Armed Forces.

Therefore, the Country needs to demonstrate its commitment to the wellbeing of our brave Armed Forces personnel and their families. It is the duty of the nation to ensure that the Armed Forces personnel and their families have the support they need and are treated fairly and with the dignity and respect that they deserve.

This Bill underlines the country's commitment and its moral obligation towards the Armed Forces and their families. It will also require the Minister of Defence to present an Annual Covenant Report to the Parliament every year on the progress of improvements to the Covenant in key areas including healthcare, housing and education. These measures will provide a regular review of the policies that will make greater support to our Armed Forces and ensure that Parliament can scrutinize this review through on annual report, and that the report itself is widely informed, consultative and transparent.

Hence, this Bill.

RAJEEV CHANDRASEKHAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a Covenant for the Armed Forces, pledging a commitment to care for members of the Armed Forces and their families. Clause 4 provides for the establishment of an Advisory Committee. Clause 5 provides for the establishment of a Armed Forces Grievances Redressal Commission. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the exact amount which may be involved, but it is estimated that up to fifteen percent of the amount allocated to Defence Services in the Union Budget 2011-12 may be provisioned to account for the recurring as well as non-recurring expenditure in this regard.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

III

BILL NO. XV OF 2012

A Bill to provide for the financial compensation, monthly allowance, relief and other rehabilitation measures and facilities to the dependents of citizen killed in naxalite acts of violence and those losing their property, crops, houses etc. due to such violence in the country and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Victims of Naxalite Act of Violence (Relief and Rehabilitation) Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, Government of that State and in other cases the Central Government;

(b) "family" include husband, wife and dependent children and aged parents;

(c) "prescribed" means prescribed by rules made under this Act;

(d) Words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Unlawful Activities (Prevention) Act, 1967 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.
2 of 1974.
37 of 1967.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the family of a citizen who is killed due to naxalite act of violence shall be paid compensation by the appropriate Government as specified hereinafter, namely:—

Payment
Compensation
to the family
of persons
killed by
naxalites.

(a) an *ex-gratia* grant of such amount which shall not be less than five lakh rupees in such manner as may be prescribed;

(b) financial assistance at the rate of two thousand rupees per month for such period, as may be prescribed;

(2) In case the citizen killed by naxalite acts of violence referred to in sub-section (1) above was the only earning member of a family, the appropriate Government shall,—

(i) pay family pension at the rate of four thousand rupees per month to the family;

(ii) provide gainful employment to any one eligible member of the family;

(iii) provide free education including vocational education to the children of the citizen killed;

(iv) provide such other assistance to the family of the citizen killed as it may deem necessary for the welfare of the family.

(3) The provisions of sub-section (2) shall be in addition to the provisions of the sub-section (1) thereof.

4. Any citizen who receives severe injuries thereby permanently incapacitating him or seriously injuring him with deep wounds, the appropriate Government shall;

Compensation
to persons
wounded by
naxalites
violence.

(a) provide him appropriate medical care and bear the entire costs of his medical treatment or outdoor as well indoor medical treatment;

(b) pay an *ex-gratia* grant as compensation of not less than four lakh rupees in such manner as may be prescribed.

5. (1) Where any citizen or family losses the dwelling unit having been destroyed or damaged due to torching or bombing by the naxalities, the appropriate Government shall,—

Compensation
for other
losses due to
naxalite
violence.

(a) provide an alternate dwelling unit to such citizen or family, as the case may be, in such manner as may be prescribed; and

(b) bear the entire cost of repairs of the damaged dwelling unit in case it is repairable;

(2) where the citizen losses his livestock or his standing crop or orchard or poultry farm or piggery farm due to naxalite act of violence, the appropriate Government shall pay adequate compensation to such citizen in such manner as may be prescribed.

(3) where any citizen losses his business establishment or shop or kiosk or hawking or vending apparatus due to destruction thereof due to naxalite acts of violence, the appropriate Government shall pay adequate compensation to the loser citizen in such manner as may be prescribed.

National
Policy for
Naxal
violence.

6. (1) The Central Government shall, as soon as may be, in consultation with the Government of the States affected by naxalite violence, formulate a national policy—

(i) to curb the spread of naxalite menace and eliminate the naxalite insurgents in the manner it is deemed necessary;

(ii) to grant general amnesty and rehabilitation of those naxalities who wish to surrender arms and shun violence and return to the mainstream of the nation under the Constitution of India by providing them gainful employment assistance for self employment and such other measures as the Central Government may deem necessary and expedient to do so in the overall national interest.

(2) The appropriate Government may, if it deems necessary, fit and expedient to do so in the public interest, promote village level security system by way of constituting teams of volunteers of village youth for the protection of their village from naxalite violence and provide such volunteers with necessary training, weapons and ammunition and necessary aids from time to time in such manner as may be prescribed.

Central Govt.
to provide
funds.

7. The Central Government shall provide after due appropriation made by Parliament by law in this behalf, the requisite funds to the States affected by acts of naxalite violence for carrying out the purposes of this Act.

Power to
remove
difficulty.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and any such order or direction, as the case may be, shall be final.

Overriding
effect of the
Act.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to
make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country is very vast and insurgency is not a new phenomenon in the country but of late many parts of the nation are in the grip of naxalite violence who are openly challenging the authority of the State and are virtually running parallel governments in some parts of the country. The naxalities who are mostly the youth are known by different names such as naxalites, Peoples War Group (PWG), Maoists, Leninist-Maoists, etc. are active on a substantial scale in Chhattisgarh, Jharkhand, parts of Andhra Pradesh, Orissa, Maharashtra, Bihar, Madhya Pradesh, Uttar Pradesh, West Bengal, Karnataka, Tamil Nadu etc. apart from the insurgents in North-East. The naxalities are killing thousands of innocent people, policemen, personnel of paramilitary and armed forces just to create panic. They torch or blow up houses, shops and other establishments. They kidnap people for ransom and hang many after conducting people court. They even loot the police stations their weapons and blow them up with police personnel. The naxalites indulge in extortions, collect illegal taxes and in the naxalite occupied areas people remain indoors after the sunset.

Though, many precious lives are lost due to acts of violence of the naxalities but the victims are not duly compensated by the States. A paltry amount is given to the victims that too with much hassles. The families of people losing lives are not taken care of nor those who are critically injured or losing their houses livestock, crops, business establishments, etc. In a democratic country like ours, it is the sacred duty of the state to protect the life and property of its citizens and eliminate the extremists. If the State fails in its duty, then the affected citizens have to be duly compensated by the State. The youth join these outfits of variety of reasons and they have to be brought back to the mainstream of the nation by giving them amnesty, employment opportunities and incentives and suitable rehabilitation. But those defying, despite best efforts, should be eliminated under a national policy.

Hence, this Bill.

RAJEEV CHANDRASEKHAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation to the family of persons killed by naxalites. Clause 4 provides for compensation to persons wounded by naxalites. Clause 5 provides for compensation for other losses. Clause 7 makes it obligatory for the central government to provide requisite funds for carrying out the purposes for the Bill. The Bill if enacted, will involve expenditure from the Consolidated Fund of India. It is difficult to quantify the same but it is estimated that a sum of rupee one thousand crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

IV

BILL NO. XVI OF 2012

A Bill to provide for the promotion and greater exploitation of renewable energy available from solar heat, wind, biogas, urban waste, tides waves, geothermal sources, etc. by making its use compulsory by certain establishments and households in order to reduce the over dependence on fossil fuels for energy needs resulting in global warming, noxious emissions and ecological and climatologically imbalances to protect the environment and for the establishment of a Board for the purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Renewable Energy (Promotion and Compulsory Use) Act, 2012—

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definition.

(a) "appropriate government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Board" means the National Renewable Energy Promotion Board established under section 4 of this Act;

(c) "establishment" includes all offices of public and private sector, hotels of all kinds, restaurants, eating joints, shopping malls, multi-storey buildings, departmental stores, hospitals, nursing homes, clinics, schools, colleges and universities, banks, railway stations, airports and such other places as may be notified by the Central Government in the Official Gazette from time to time.

(d) "prescribed" means prescribed by rules made under this Act.

(e) "renewable energy" means energy or power derived from non-conventional energy sources other than fossil fuel emanating carbon and other toxic gases such as solar, wind, animal dung, geothermal sources, tides or waves, carbon waste and garbage or any other sources from which the renewable energy can be obtained.

3. It is hereby declared that it is expedient in the national and public interest that Central Government share take under its control the Promotion and Development of the renewable energy generation and take appropriate measures in that direction.

Central Govt. to take control of Promotion and Development of renewable energy.

4. (1) The Central Government shall, within six months of the commencement of this Act, by notification in the Official Gazette, establish a Board to be called the National Renewable Energy Promotion Board for carrying out the purposes of this Act.

Establishment of the National Renewable Energy Promotion Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The head office of the Board shall be at Bangalore in the State of Karnataka and the Board may establish offices of conspicuous places in all the States and Union Territories in the country for carrying out the purposes of this Act.

(4) The Board shall consist of the following members, namely:

(a) a chairperson who shall be an expert scientist having enough professional experience and profound knowledge in the field of renewable energy to be appointed by the Central Government;

(b) a Deputy Chairperson having such qualification and experience, as may be prescribed to be appointed by the Central Government;

(c) five members of Parliament of whom three shall be from the Lok Sabha and two from Rajya Sabha to be nominated by the respective Presiding Officers of the two Houses;

(d) five members to represent the Central Government of the Ministries of Finance, Environment and Forests, Science and Technology, Planning, New and Renewable Energy respectively to be appointed by the Central Government;

(e) three members to represent Non-Governmental Organizations working for promotion of new and renewable energy in the country to be appointed by the Central Government;

(f) four members to be nominated by the governments of the States to be rotated amongst the states in alphabetical order;

(5) The term of office of the Chairperson, Deputy Chairperson, and Members of the Board and the procedure to be followed in the discharge of the functions of the Board shall be such as may be prescribed.

(6) The Board shall be assisted by a Secretariat with such officers and members of the staff and with such terms and conditions of service as may be prescribed from time to time.

Functions of
the Board.

5. (1) The Board shall formulate a comprehensive new and renewable energy policy with its goals and execution plan so as to accelerate the promotion and development of renewable energy to minimize the dependence on fossil fuels for energy production resulting in noxious emissions and global warming as the Board may deem necessary and expedient to do so far the promotion of new and renewable energy throughout the country.

(2) Without prejudice to the generality of the provisions contained in sub-section (1) the Board shall,—

(a) support and encourage research and development to promote renewable energy through Government and Private Sector participation involving all major research laboratories and centres in the country;

(b) disseminate the information about the developments made abroad in the field of renewable energy;

(c) develop indicative standards of renewable energy;

(d) facilitate quick technology transfer and adoption of renewable energy;

(e) facilitate infrastructure development of renewable energy in rural areas;

(f) make provision for small biomass based energy systems for rural areas and promote dung based biogas individual and community plants and reduce dependence of firewood, lighting in streets, etc. through solar energy and setting up wind power projects;

(g) suggest ways for conversion of fossil fuel based industrial heating to solar thermal heating through solar concentrator technology or its hybrids;

(h) suggest educational and other policy initiatives for renewable energy in the country;

(i) create interactive web based resource maps of different renewable technologies to facilitate speedy project development and market expansion;

(j) undertake such other activities as may be assigned to it by the Central Government from time to time.

Miscellaneous
Provisions.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate government shall in consultation with the Board make it compulsory for every establishment in the public and private sector to,—

(a) use the photovoltaic energy in all buildings and reduce dependence on electricity;

(b) make provision for time bound solar water heating in all buildings with defined floor areas;

(c) set time bound mandate for promotion of biomass energy systems in the country;

(d) reserve adequate land for setting up of renewable energy projects;

(e) make it mandatory for electricity utilities for compulsory purchase of electricity from renewable energy producing units;

(f) undertake such other measures as the government may direct from time to time.

(2) It shall be the duty of the appropriate Government to make available the necessary apparatus, equipment and other infrastructure either free of cost or at subsidized rates to the establishments and individuals to enable them to tap and make maximum use of renewable

energy sources and for this purpose shall promote the industrial units manufacturing such apparatus and equipment by extending various incentives including tax holidays and other concessions and infrastructure.

(3) The appropriate Government shall, as soon as may be, identify the exploited sources of renewable energy in its territorial jurisdiction and send project reports to the Board which shall depute a team of experts to the concerned state or Union Territory, as the case may be, to verify and assess the possibility of exploiting renewable energy sources as per the claim of that Government.

(4) The Board shall on the basis of the report of the team of experts work out the likely expenditure on the projects and recommend the Central Government to implement the projects in a time bound manner and it shall be the duty of the Central Government to accept the recommendations of the Board.

(5) The Board shall submit to the Central Government such other projects and programmes for the optimum exploitation of renewable energy sources as it may deem necessary and expedient for the purposes of this Act.

7. (1) Whoever contravenes any provisions of this Act shall, be guilty of an offence under this Act. Penalty.

(2) where an offence under sub-section (1) of Section 7 of this Act is committed by any establishment is proved to have been committed with the consent or connivance of or is attributable to any neglect on the part of any Director, Chief Executive, Secretary or other similar officer of the establishment or any person who was purporting to act in any such capacity, he as well as the establishment shall be guilty of that offence and shall be punishable with simple imprisonment which may extend to three months or with fine which shall not be less than five lakh rupees but may extend to ten lakh rupees or with both.

8. The Board shall prepare once in every calendar year in such form and at such time as may be prescribed an Annual Report giving a true and full account of its activities during the previous year and shall forward the copies thereof to the President of India who shall cause the same to be laid before both the Houses of Parliament. Annual Report.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Board and the Government of the States and Union Territory Administrations for carrying out the purposes of this Act. The Central Government to provide funds.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary to expedient for removing the difficulty: Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period the two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before both the Houses of Parliament.

11. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

A world Summit was held at Copenhagen, Denmark to find out ways to save the earth from its effects of carbon emission resulting in global warming. Although no foolproof solution could be finalized but the fact remains that global warming is being caused by human activities mainly due to burning of fossil fuels which releases greenhouse gases. As a result series of record breaking weather events are causing havoc in the world. Carbon dioxide emissions increasing manifold due to rising consumption of energy particularly coal, petroleum products and firewood by the ever increasing world population. This has put the world on the danger map and if concrete measures are not taken the coastal areas of the world will submerge in the sea water and many small countries will be wiped from world map. For this transition, low carbon economy has to be adopted by massive development to new and renewable energy for the protection of our environment. In our own country due to ever increasing population we have invited ecological disaster due to over dependence on fossil fuels. Jungles have vanished due to over use of wood as firewood in the *chulhas* and making furniture, doors, windows, etc. The country is importing petroleum products on a large scale spending precious foreign exchange. The demand for fuel and power is increasing day by day. Therefore, we have to take steps to promote the use of renewable energy sources to meet the demands of future energy.

Fortunately we have very vast potentials of renewable energy but, unfortunately, we have not tapped this potential so far at the level it should have been tapped. There is enormous wind power potential. So is the solar energy. The desert areas have the requisite solar radiation for producing Concentrating Solar Power (CSP). A 60km. X 60km. area can produce on lakh megawatt of power and our country has a desert area of 208110 square kilometer in Rajasthan and Gujarat alone which if tapped can produce enormous power. The country is also capable of producing bio fuels. Hence, we have to adopt greater use of renewable energy sources considered to be non-polluting and eco-friendly. The use of renewable energy sources, therefore, has to be made compulsory for all establishments and households. For this a National Board needs to be established.

Hence this Bill.

RAJEEV CHANDRASEKHAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Renewable Energy Promotion Board. Clause 9 makes it obligatory for the Central Government to provide requisite funds to the Board, State Governments and Union Territory Administrations for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupee fifty thousand crores may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of one lakh crore rupee may also involve for creating permanent assets and apparatuses.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V

BILL No. XXX OF 2012

A Bill further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Bonus (Amendment) Act, 2012.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21 of 1965.

2. In Section 2 of the Payment of the Bonus Act, 1965 (hereinafter referred to as the principal Act) in Clause (13), the words "not exceeding ten thousand rupees per mensem" shall be omitted.

Amendment
of Section 2.

3. Section 12 of the principal Act shall be Omitted.

Omission of
Section 12.

STATEMENT OF OBJECTS AND REASONS

The Bill proposes to amend definition of "employees" as given in sub-section (13) of Section 2 of the Payment of Bonus Act, 1965 which entitles only those employees for getting bonus by his employer who are employed on a salary or wage not exceeding ten thousand rupees per mensem.

Moreso, section 12 prescribes the limit of three thousand five hundred rupees per mensem for calculation of bonus with respect to the employees.

In today's world of money inflation, high prices and salaries, imposing ceiling on the wages for denying bonus to the employees is totally unjust. At least all the workers should be entitled to get the bonus irrespective of their salary or wages under the Payment of Bonus Act.

The Bill proposing amendment to section 2 and section 12 of the Act seeks to achieve the aforesaid objectives.

Hence this Bill.

RAMA CHANDRA KHUNTIA

FINANCIAL MEMORANDUM

Clauses 2 and 3 of the Bill seek to amend clause (13) of section 2 and omit section 12 respectively of the Payment of Bonus Act, 1965 by omitting the eligibility limit of Rupees ten thousand per mensem for payment of bonus and the limit of Rupees three thousand five hundred per mensem for calculation of bonus as prescribed by the Payment of Bonus (Amendment) Act, 2007.

2. The Bill, if enacted shall entail additional expenditure on this account to the tune of Rs. 1000 crore per annum which shall be met from the consolidated fund of India.

3. The Bill does not involve any other recurring or non-recurring expenditure.

VI

BILL NO. XXV OF 2012

A Bill further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 2012.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

14 of 1947.

2. In Section 2 of the Industrial Disputes Act, 1947, in sub-clause (iv) of clause (s) for the words “draws wages exceeding ten thousand rupees per mensem or” the words “draws wages exceeding twenty thousand rupees per mensem or” shall be *substituted*.

Amendment
of section 2.

STATEMENT OF OBJECTS AND REASONS

The sub-clause (iv) of clause (s) of section 2 of the Industrial Disputes Act, 1947 provides that the persons getting wages exceeding ten thousand rupees per mensem do not come in the periphery of the Act. In today's world of money inflation, high prices and salaries, imposing ceiling on the wages for denying the benefits of the Act in resolving the disputes with their employer is totally unjust. At least all the workers getting wages upto rupees twenty thousand should be entitled to get the benefit of the Industrial Disputes Act.

The Bill proposing amendment in the Section 2 of the Act seeks to achieve the aforesaid objectives.

Hence this Bill.

RAMA CHANDRA KHUNTIA

VII

BILL NO. XXVI OF 2012

A Bill further to amend the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) amendment Act, 2012.

Short title
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In Section 2 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (hereinafter referred to as principal Act,

Amendment
of section 2.

sub-section (1), clause (c), in sub-clause (ii), for the words, "one thousand six hundred rupees" the words, "fifteen thousand rupees" shall be substituted.

Amendment
of section 4.

3. (1) In section 4 of the principal Act, sub-section (2), clause (a), for the words, "a chairperson to be appointed by the State Government", the words, "a chairperson to be elected by the members of the State Advisory Committee from amongst themselves" shall be substituted.

(2) In the proviso of sub-section (3), for the words, "building workers" the words, "building workers' Union" shall be substituted.

Amendment
of section 12.

4. In section 12 of the Principal Act, sub-section (1), the words, "for not less than ninety days during the preceding twelve months" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Section 2 (e)(ii) of the Building and other Construction workers (Regulation of Employment and Conditions of service) Act, 1996 provides that a person employed in supervisory capacity and drawing wages exceeding one thousand six hundred rupees per month will not be considered as "building worker". In today's world of high prices and salaries, wage ceiling of one thousand six hundred rupees per month for a worker is too meager and impractical.

The clause (a) of sub-section (2) of Section 4 of the Act provides for appointment of Chairman of the State Advisory Committee by the State Government. The Chairman should be elected from amongst the members of the State Advisory Committee.

The sub-section (1) of Section 12 provides for registration of building worker who has been engaged in any building or other construction for not less than ninety days during the preceding twelve months. In view of the modern technology and using of heavy machinery a project can also be completed within ninety days which means the workers who have worked in such projects will be debarred of the benefits available under the Act. Secondly, in our Country, there are millions of building workers who works for construction of private houses in every nook and corner of the Country but do not have any proof of their engagement as building construction worker from any authority during their whole life. Hence, condition of engagement in building construction work for not less than ninety days in a year is impractical and unnecessary.

The bill proposing amendments to section 2, 4 and 12 of the Act seeks to achieve the aforesaid objectives.

Hence this Bill.

RAMA CHANDRA KHUNTIA

VIII

BILL NO. XXIX OF 2012

A Bill further to amend the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India, as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Act, 2012.

(2) It shall come into force, at once.

Substitution
of new
section for
section 7 of
Act 21 of
1954.

2. In the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, for section 7, the following section shall be substituted namely:—

“7. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall, on conviction, be punishable—

“(a) in the case of a first conviction, with imprisonment which may extend to one year and fine;

(b) in the case of a subsequent conviction, with imprisonment which may extend to five years and fine.”

STATEMENT OF OBJECTS AND REASONS

The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 is an important piece of legislation which is not being implemented in this country in its letter and spirit. The illiterate masses of this country are taken for a ride by quacks and touts who claim magical remedies for various diseases. They publicise and market their drugs which are either harmful or contain no medical ingredients.

Medical remedies which includes a *talisman*, *mantra*, *kavacha*, and any other charm of any kind which is alleged to possess miraculous powers for or in the diagnosis, cure, mitigation, treatment or prevention of any disease in human beings or animals, are claimed by certain practitioners openly either in their 'dispensaries' which they open in hotels or even on streets.

Women folk of the country are lured to make them believe that various medical problems related to them can be cured with these 'medicines' that these quacks prescribe. Unfortunately, some practitioners blend their treatment with divine blessings thus spreading superstitions at the same time.

Section 7 of the Drugs and Megical Remedies (Objectionable Advertisements) Act, 1954, as it exists today, provides in the case of a first conviction, with imprisonment which may extend to six months, or with fine, or with both and in the case of a subsequent conviction, with imprisonment which may extend to one year, or with fine, or with both. This gives option to the magistrate to impose a mere fine on the accused in the event of his or her conviction. Considering the damage, that, those who claim magical remedies, cause to the social fabric, the penalty clause has to be made more stringent and harsher to act as a deterrent.

Hence this Bill.

SHANTARAM NAIK

IX

BILL NO. XXVIII OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

(2) It shall come into force at once.

Amendment
of the
Preamble.

2. In the Preamble to the Constitution for the word "India" the word "Bharat" shall be substituted.

Amendment
of article 1.

3. In article 1 of the Constitution in clause 1, for the words "India, that is Bharat" the word "Bharat" shall be substituted.

Substitution
of the word
"India" by
"Bharat" in
the Constitu-
tion.

4. In the Constitution, for the word "India", wherever it occurs, the word "Bharat" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

"India" denotes a territorial concept, whereas "*Bharat*" signifies much more than the mere territories of India. When we praise our country we say, "*Bharat Mata Ki Jai*" and not "*India ki Jai*". There are various grounds for changing the name of the country into simply "*Bharat*". The name also generates the sense of patriotism and electrifies the people of this country. In this regard; "*Jahan dal dal par sone ki chidiyan karatin hai basera wo Bharat Desh hai mera*", a popular song is relevant.

Hence this Bill.

SHANTARAM NAIK

X

BILL No. XXVII OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

(2) It shall come into force at once.

2. In article 243G of the Constitution,—

(i) for the words “may contain provisions for the devolution of powers and responsibilities upon Panchayats”, the words “shall contain provisions for the devolution of powers and responsibilities upon Panchayats” shall be substituted.

(ii) In sub-clause (b) after the words “Eleventh Schedule” the words “by the year 2012” shall be inserted.

3. In article 243W of the Constitution,—

(i) for the words “may contain provisions for the devolution of powers and responsibilities upon Municipalities”, the words “shall contain provisions for the devolution of powers and responsibilities upon Municipalities,” shall be substituted.

(ii) In sub-clause (a)(ii) after the words “Twelfth Schedule” the words “by the year 2012” shall be inserted.

Short title
and
commence-
ment.

Amendment
of article
243G.

Amendment
of article
243W.

STATEMENT OF OBJECTS AND REASONS

After the 73rd and 74th constitutional amendments came into force, most of the states enacted their respective legislations governing Panchayats and Municipal Bodies, in line with the Constitutional amendments.

While some states have enumerated the powers to be exercised by Panchayats, by enumerating the subjects mentioned in the XIth schedule of the Constitution in the respective legislations and have allotted them to the Zilla, Tehsil and Village Panchayats and, similarly, the State Governments have allotted the subjects mentioned in the XIIth schedule to the various types of municipal bodies. These enumerations are rather cosmetic in nature and necessary notifications, to actually allot these subjects to the respective Panchayats and Municipal bodies have not been issued.

It is in this context, that the present Bill seeks to make devolution of powers constitutionally mandatory by substituting the word "may" by the word "shall", in the respective articles.

Some State Governments have given undertakings for the devolution of such powers by signing Memoranda of Understanding with the Government of India. However, a firm constitutional requirement is the need of the hour if the dream of former Prime Minister Late Shri Rajiv Gandhi, who was inspired by the ideals of Mahatma Gandhi of "Gram Rajya", is to be achieved.

Hence this Bill.

SHANTARAM NAIK

XI

BILL NO. XXIV OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.
- (2) It shall come into force with immediate effect.

Amendment
of article 124.

2. In article 124 of the constitution, in clause (2), in the second proviso, for clause (a), the following be substituted, namely:—

(a) a Judge may, by writing under his hand addressed to the President, resign his office and in case, if a judge is facing any proceedings for his removal under clause (4) or against whom any such proceeding is contemplated then such resignation shall be effective subject to acceptance by the President.

Amendment
of article 217.

3. In article 217 of the constitution, in clause (1), in the proviso, for clause (a), the following be substituted, namely:—

(a) a Judge may, by writing under his hand addressed to the President, resign his office and in case, if a judge is facing any proceedings for his removal under clause (4) of article 124 or against whom any such proceeding is contemplated then such resignation shall be effective subject to acceptance by the President.

STATEMENT OF OBJECTS AND REASONS

Article 124 (2) and 217 (1) of the Constitution *inter alia* provide for the procedure for resignation by a Judge of the Supreme Court and a High Court respectively. In both the cases of Supreme Court and High Court, resignation submitted by a Judge to the President becomes effective immediately as it does not require any approval or acceptance. Recently it has been observed that this provision of the Constitution was misused by the two judges of the Calcutta High Court and Madras High Court to avoid the parliamentary scrutiny of their conduct and likely removal from their office. Justice Soumitra Sen, who allegedly misappropriated the funds prior to his becoming the judge of the Calcutta High Court, resigned after the Committee constituted by Chairman, Rajya Sabha under the Judges (Inquiry) Act, 1968 found him guilty and Rajya Sabha passed a Motion for his removal from the office by the President in terms of relevant provisions of the Constitution and the Judges (Inquiry) Act, 1968 before the Motion could be taken up in the Lok Sabha. Similarly, Justice Dinakaran of the Madras and Karnataka High Courts resigned from his office when a Committee constituted by the Chairman, Rajya Sabha under the Judges (Inquiry) Act, 1968 was in midst of examination of the charges of alleged corruption against him. Both these judges thus escaped the scrutiny of their conduct by the Parliament and their likely removal from the office by the President. As a result, a huge amount of money and manpower spent on the Committees constituted by the Chairman, Rajya Sabha to examine their conduct and the valuable time devoted by Rajya Sabha in discussing and passing the motion against the then Justice Soumitra Sen of the Calcutta High Court had gone waste and the two judges after their resignation got all the pensionary benefits.

Therefore, there is a need to amend the relevant provisions of the Constitution with a view to making the resignation submitted by a judge of the High Court or Supreme Court against whom any removal proceeding is pending or is contemplated, effective only after its acceptance by the President.

Hence this Bill.

H.K. DUA

V.K. AGNIHOTRI,
Secretary-General.